

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

DEAN SMITH, SR., et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:10-cv-00709

JP MORGAN CHASE BANK, N.A., et al.,

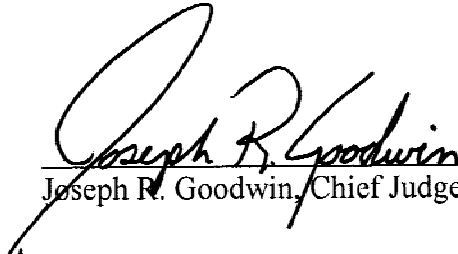
Defendants.

**MEMORANDUM OPINION AND ORDER**

Pending before the court is the Motion to Dismiss [Docket 13] by defendant Erie Insurance Property & Casualty Co. (“Erie”). The court finds that the complaint clearly states a cause of action against Erie, and the motion is **DENIED**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 13, 2010

  
Joseph R. Goodwin, Chief Judge